UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/312
25 August 1993

ORIGINAL: ENGLISH

Forty-eighth session
Item 144 of the provisional agenda*

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 9	4
II.	ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS	10 - 131	6
	A. Promotion of the acceptance of and respect for the principles of international law	10 - 37	6
	1. Promoting the acceptance of multilateral treaties	10 - 21	6
	2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making	22 - 29	9
	3. Ways and means of implementation of multilateral treaties	30 - 37	12
	B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice	38 - 50	14
	1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States	38 - 41	14

* A/48/150 and Corr.1.

CONTENTS (continued)

	Paragraphs	Page
2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States	42 - 50	15
C. Encouragement of the progressive development of international law and its codification	51 - 62	17
D. Encouragement of the teaching, study, dissemination and wider appreciation of international law	63 - 123	21
1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	63 - 64	21
2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose	65 - 75	21
3. Organization of international and regional seminars and symposia for experts on international law	76 - 88	24
4. Training in international law for legal professionals and government officials organized by States and international organizations	89 - 96	27
5. Publication of the practice of States, and international and regional organizations in the field of international law	97 - 102	28
6. Publication by States and international organizations of international legal instruments and legal studies	103 - 115	30
7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof	116	32
8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook	117 - 123	32

CONTENTS (continued)

		Paragraphs	Page
E.	Procedures and organizational aspects	124 - 131	33
1.	The role of the Sixth Committee of the General Assembly of the United Nations	124	33
2.	A possible United Nations congress on public international law	125 - 128	34
3.	Establishment of national, subregional and regional committees for implementation of the Programme	129 - 130	35
4.	The question of the provision of adequate financing for the implementation of the Decade programme	131	35
III.	ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION	132 - 165	36
A.	The law relating to human rights	132 - 135	36
B.	The law relating to disarmament	136 - 137	36
C.	The law relating to outer space	138 - 139	37
D.	The law relating to economic development	140 - 142	37
E.	The law relating to international trade	143 - 144	37
F.	The law relating to international drug control and to crime prevention and criminal justice	145	38
G.	The law relating to environment	146 - 151	38
H.	The law of the sea	152 - 154	39
I.	The work of the International Law Commission	155 - 161	40
J.	The work of the Sixth Committee	162 - 165	41

I. INTRODUCTION

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. On 28 November 1990, the General Assembly adopted resolution 45/40, entitled "United Nations Decade of International Law", to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law. Pursuant to that resolution, the Secretary-General submitted a report to the forty-sixth session of the General Assembly (A/46/372) containing an analysis of the replies received from States and international organizations on the implementation of the programme, as well as a summary of the activities of the United Nations relevant to the progressive development of international law and its codification.

3. On 9 December 1991, the Assembly adopted resolution 46/53, entitled "United Nations Decade of International Law", in which it, inter alia, invited all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they had undertaken in the implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade. Pursuant to that resolution, the Secretary-General submitted a report to the forty-seventh session of the General Assembly (A/47/384 and Add.1) containing an analysis of the replies received from States and international organizations on the implementation of the programme, as well as a summary of the activities of the United Nations relevant to the progressive development of international law and its codification.

4. On 25 November 1992, the General Assembly adopted resolution 47/32, entitled "United Nations Decade of International Law", to which was annexed the programme for the activities to be commenced during the second term (1993-1994) of the Decade. In that resolution, the Assembly invited all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and, as appropriate, to submit to the Secretary-General interim or final reports for transmission to the General Assembly at its forty-eighth session or, at the latest, its forty-ninth session; requested the Secretary-General to submit, on the basis of such

information, a report to the General Assembly at its forty-eighth session on the implementation of the programme; also requested the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the General Assembly on an annual basis; and further requested the Secretary-General to submit to the General Assembly at its forty-eighth session a report containing a preliminary operational plan for a possible United Nations congress on public international law and to submit it to the Sixth Committee for consideration by general agreement at the forty-eighth session of the General Assembly (see A/48___).

5. By a note dated 28 January 1993, the Secretary-General invited Governments to submit information on the implementation of the programme or any views on possible activities for the next term of the Decade. A similar request was transmitted by letters dated 18 January, 22 January and 2 March 1993 to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

6. As at 12 August 1993, replies had been received from the following States: Australia, Austria, Finland (on behalf of the Nordic countries), Guyana and Namibia. Relevant information had also been received from the following United Nations bodies, international and regional organizations and institutions: Conference on Disarmament, Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, United Nations Commission on International Trade Law (UNCITRAL), United Nations Conference on Trade and Development (UNCTAD), United Nations Environment Programme (UNEP), United Nations Institute for Training and Research (UNITAR), United Nations International Drug Control Programme, International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO), World Bank, International Maritime Organization (IMO), World Intellectual Property Organization (WIPO), United Nations Industrial Development Organization (UNIDO), Asian-African Legal Consultative Committee (AALCC), Commission of the European Communities, European Space Agency (ESA), Andean Tribunal of Justice, European Court of Human Rights, International Committee of the Red Cross (ICRC), Court of Arbitration of the International Chamber of Commerce, Hague Academy of International Law, Institute of International Law, International Association for Water Law, International Astronautical Federation (IAF), International Commission of Jurists (ICJ), International Council of Environmental Law (ICEL), International Union for Conservation of Nature and Natural Resources (IUCN) and World Federalist Movement (WFM).

7. The replies from States and international organizations are analytically summarized in section II of the present report under five headings corresponding to the five main sections into which the programme is divided. As a rule, the specific paragraphs of those sections containing requests to States and international organizations have provided the framework for the organization of the material under each heading.

8. The supplementary information on recent activities of the United Nations in the field of progressive development of international law and its codification

is presented in section III, on a topic by topic basis, following the format of the analysis presented in the last report of the Secretary-General on this item (A/47/384 and Add.1). The work of the International Law Commission and that of the Sixth Committee are dealt with separately.

9. The full texts of the replies, in the original language of submission, are available in the Codification Division of the Office of Legal Affairs.

II. ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties*

10. Several States and many international institutions have reported efforts in promoting international law through the acceptance of multilateral treaties. Thus, Australia has presented a proposal to achieve greater regional harmonization in international trade law through the Australian Pacific Economic Cooperation Committee. To this end, an information kit has been developed that contains an indicative list of trade law and other instruments which could be adopted more widely in the Asia Pacific region. Australia has further recently acceded to the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, and has signed the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

11. Austria indicated that it is a party to a large number of multilateral treaties of regional as well as universal scope, covering all fields of international law, and that it has carried out fully the obligations placed upon it by these treaties. It co-sponsored the French-German proposal within the framework of the Helsinki follow-up meeting concerning the 1992 Convention on Conciliation and Arbitration within the Conference on Security and Cooperation in Europe and has signed this Convention.

12. Namibia stated that its acceptance and respect for the principles of international law are reinforced by its Constitution. According to article 144

---

* Under paragraph 2 of this section of the programme, States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

of the Namibian Constitution, general rules of public international law and international agreements and treaties binding upon Namibia form part of the laws of Namibia, without the long, winding process of incorporating them into the laws of the country by legislative means. In the three years since its independence, Namibia has become a party to a number of multilateral treaties: for example, the 1981 African Charter on Human and Peoples' Rights; the 1989 Convention on the Rights of the Child; the 1979 Convention on the Elimination of All Forms of Discrimination against Women; the 1963 Vienna Convention on Consular Relations; and the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto. The Government is presently working towards Namibia's accession to the Convention relating to the Status of Refugees of 28 July 1951 and its Protocol of 31 January 1967 and other multilateral treaties.

13. Guyana reported that it has decided to become a party to a number of multilateral treaties for which instruments of ratification or accession have been, or shall presently be, deposited. Among these were: the Optional Protocol to the International Covenant on Civil and Political Rights; the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances; the Vienna Convention for the Protection of the Ozone Layer; the Montreal Protocol on Substances that Deplete the Ozone Layer (as amended); the United Nations Convention on the Law of the Sea; the Framework Convention on Climate Change; and the Convention on Biological Diversity. Guyana has furthermore made a declaration under article 41 (1) of the International Covenant on Civil and Political Rights.

14. WIPO recalled that it publishes in its reviews Industrial Property/La Propriété industrielle and Copyright/Droit d'auteur, the list of States parties to the Convention Establishing the World Intellectual Property Organization as well as of the States parties to the treaties administered by WIPO. An updated list is also published separately and issued at least twice a year.

15. Efforts to promote the ratification of, and accession to, the international drug control treaties is one of the primary objectives of the legal work of the United Nacions International Drug Control Programme. During the reporting period, the United Nations Drug Control Programme carried on the publication of the monthly status of ratifications and accessions and the campaign to urge States which have not already done so to become parties to the international drug control treaties. In 1992, 17 States became parties to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, four became parties to the Convention on Psychotropic Substances of 1971, and three became parties to the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol.

16. The secretariat of the AALCC observed that, in fulfilment of its advisory functions, it would continue its endeavours to promote the acceptance of and respect for the principles of international law by its member States, by urging that they ratify or accede to such international instruments as the United Nations Convention on the Law of the Sea, 1982; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1990; the Convention on Biological Diversity, 1992; and the Convention relating to the Status of Refugees, 1951, and the 1967 protocol thereto.

17. ICAO referred to the endorsement by the twenty-ninth session of the ICAO Assembly, held at Montreal from 22 September to 8 October 1992, of the ICAO Council's development of an ICAO Strategic Action Plan, which, inter alia, highlights the need to put greater emphasis on the ratification of instruments of international air law.

18. UNEP reported that, in order to promote acceptance of international environmental law, in particular the instruments concluded under the auspices of UNEP, its Governing Council has been continuously, and most recently in its decision 17/12 of 21 May 1993, 1/ calling on Governments that had not yet done so to sign, ratify or accede to those international conventions in the field of the environment to which they are eligible to become parties. In accordance with Governing Council decision 24 (III) of 30 April 1975 and General Assembly resolution 3436 (XXX) of 9 December 1975, the Executive Director has been submitting to the Governing Council on a biennial basis a report on the status of international conventions and protocols in the field of the environment for consideration and subsequent transmission to the General Assembly. The relevant report was submitted to the seventeenth session of the Governing Council in May 1993. 2/ The Council took note of the report and authorized the Executive Director to transmit it to the General Assembly at its forty-eighth session. As supplementary information to Governments, UNEP will publish the 1993 edition of the Register of International Treaties and Other Agreements in the Field of the Environment containing the status of such instruments together with summaries of respective treaties. The Register has been regularly published on a biennial basis since 1977.

19. ICRC indicated that it publishes periodic updated information on the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. In the context of the Decade, ICRC has called on States Parties to the aforementioned Conventions and Protocols which have entered reservations thereto to review their position. ICRC is of the opinion that such reviews should occur regularly, and noted with interest that a number of States have indicated their willingness to act accordingly.

20. The International Astronautical Federation observed that a Standing Committee, established by the International Institute of Space Law in 1987, continues to produce yearly reports on the status of existing international agreements relating to activities in outer space, which provide a survey of the state of the multilateral space agreements in force (signatures, ratifications, accessions, declarations of succession and declarations of acceptance). The fifth such report was published in 1992; the sixth is being prepared for the year 1993.

21. IUCN (The World Conservation Union) pointed out that it publishes a collection of the full texts of multilateral treaties relating to the environment in which the status of each party to the treaty is given and updated twice annually. In addition, a Chart of the Status of Multilateral Treaties in the field of Conservation and Environment was published in late 1992. A special extract of this Chart was prepared for the member States of the Economic Commission for Europe at the request of the Lucerne "Environment for Europe" Ministerial Conference, held in April 1993, as the background for a discussion on monitoring and compliance in this area.

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making*

22. Australia stated that it was playing an active role in informing regional countries about the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and that it was taking steps to assist those countries in their implementation of the Convention.

23. Austria expressed the view that assistance and technical advice in the field of international law to States, in particular to developing countries and to newly established States, is of most practical relevance and that it would therefore seem useful to promote and coordinate already existing bilateral and regional efforts in this field. As a first step, the relevant needs of those States should be clearly identified in order to find adequate responses of the international community to such needs. Austria has thus signed the 1988 Agreement for the Establishment of the International Development Law Institute (IDLI) and will, after ratification thereof, provide internships to students of this Institute from developing countries. With a view to assisting, in particular, developing countries in the field of international law, the Austrian Committee of the World University Service (WUS-Austria) intends to organize in 1993 the first postgraduate course on women's rights under the relevant international conventions to provide information on existing international standards and legal instruments in the area of women's rights as well as on the effective implementation of such instruments. Some 20 scholarships have been established for participants from developing countries, in particular those from Africa.

24. UNEP stated that it continues to provide financial assistance to developing countries to enable them to attend international meetings for negotiation and implementation of international legal instruments being elaborated or already concluded under its auspices. With a view to building the capacity of countries to implement international environmental agreements, UNEP provides, upon request, technical assistance to developing countries to enhance environmental legislation, policy and institutional arrangements. UNEP also reported that its Governing Council, by its decision 17/25 of 21 May 1993, 1/ had, inter alia, adopted the Programme for the Development and Periodic Review of Environmental Law for the present decade, which provides for objectives, strategies and activities in the general development of international environmental law, including the enhancement of the capacity of States to participate effectively in the development and implementation of environmental law and in the implementation of international legal instruments in the field of the environment. In accordance with the Governing Council's decision 16/35 of

---

* Under paragraph 3 of this section of the programme, States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties, in accordance with their national legal systems.

31 May 1991, 3/ UNEP assisted Governments in developing measures to strengthen the legal basis of the 1989 Amended London Guidelines for the Exchange of Information on Chemicals in International Trade. To achieve this objective at the national level, UNEP is developing legislative guidance documents on the management of chemicals for use by countries either without or with scarce chemical legislation. For developing national institutional frameworks to implement the Guidelines, UNEP, in cooperation with UNITAR and FAO, provides technical assistance to developing countries, in particular national, subregional and regional training workshops. UNEP further put a high priority on assisting Governments to achieve early entry into force and effective implementation of the 1992 Convention on Biological Diversity. To this end, UNEP convened three sessions of expert panels in respect of the Convention between December 1992 and March 1993. The outcome of these meetings will be used by the first session of the Intergovernmental Committee on the Convention on Biological Diversity, to be held at Geneva in September 1993, to consider various issues aimed at effective implementation of the Convention.

25. WIPO reported that it continues to provide financial assistance to representatives of certain developing countries to encourage their participation in meetings concerning the revision of existing treaties or preparation of new multilateral treaties in the field of intellectual property. From January to July 1993, 55 representatives of developing countries have been invited to receive the assistance of WIPO in respect of committees of experts preparing treaties in the field of settlement of intellectual property disputes between States, the harmonization of trademarks procedures, a Protocol to the Berne Convention and an instrument on the protection of the rights of performers and producers of phonograms. The draft programme and budget for the biennium 1994-1995 provide for continued assistance to facilitate the participation of developing countries in the standard-setting activities of WIPO. WIPO provides information, particularly to developing countries, on the advantages of adherence to WIPO-administered treaties. Upon request, WIPO gives advice on the conformity of national or regional laws with the treaties in question and prepares draft legislation concerning the implementation of such treaties. WIPO also offers opportunities for study at the International Bureau of WIPO or at national and regional offices where officials from developing countries may observe the administration of WIPO-administered treaties.

26. The programme of legal assistance of the United Nation International Drug Control Programme consists of a range of services available to States, including the provision of legal advice, often through assessment and planning missions; the elaboration of legislation and the adoption of final texts; the provision of training and other support in the implementation of new legislation; and the promotion of mutual assistance and cooperation. The programme of workshops organized by the United Nations International Drug Control Programme is an important element of its legal assistance initiative. The workshops assist States in identifying limitations in their legal capacity to fully implement the conventions, as well as the measures needed to overcome those limitations. In 1992, the UNDCP provided 10 countries with legal advice through evaluation and planning missions. It elaborated legislation for nine individual States as well as for one regional organization; it assisted the 11 States of that regional organization to adopt the common harmonized legislation. The legal assistance work of the United Nations International Drug Control Programme has also included the preparation of model legislation for pharmaceutical control and

penal codes for different legal systems. Texts for the Romano-German legal system have been completed and translated into five languages, and work is under way on texts for the common law system, especially on the subject of confiscation of drug-trafficking proceeds.

27. IUCN reported that it is promoting the adherence to and implementation of the international conventions in the field of conservation and environment through studies, analysis, explanatory guides and national legislation development. Thus, in 1993 the IUCN Environmental Law Centre intends to complete a project concerning the Association of South-East Asian Nations (ASEAN) Agreement on the Conservation of Nature and Natural Resources signed on 9 July 1985. Under this project, the national legislation relevant to the implementation of the Agreement of each ASEAN member State would be reviewed so as to facilitate the identification of steps to be taken by Governments to achieve full implementation of the Agreement. In 1993, the IUCN Environmental Law Centre began a project regarding assistance in the implementation of the 1992 Convention on Biological Diversity. Its Law Programme provided an explanatory Guide to each article of the Convention for use by administrators and others to promote better understanding of the origin and intent of the text. IUCN further noted that a special subprogramme related to the implementation of international agreements and the development of national environmental law, namely, the Environmental Law Services, allows the Law Programme to respond to requests of developing country Governments for technical legal assistance in the field of environmental and conservation legislation. Typical requests are for reviews of existing legislation and for drafts of new legal instruments. Such services are being given in various countries in Africa, Asia, Latin America and Eastern and Central Europe.

28. UNITAR observed that, following a request from UNEP and in close association with its Environmental Law and Institutions Programme Activity Centre, it is preparing a training programme in international environmental law. The programme's objectives will be to build the necessary skills and create essential networks of practitioners and experts in the international community to enhance the ability of developing countries to represent their needs and interests in international negotiations on the environment.

29. AALCC noted that it continued to furnish assistance to member States of the Committee to facilitate their participation in the process of multilateral treaty making, their adherence to multilateral treaties and the implementation of such treaties in accordance with their national legal systems. It referred in this context to the modest endeavours of the secretariat to render assistance in preparing for the second World Conference on Human Rights.

3. Ways and means of implementation of multilateral treaties*

30. Australia pointed out that, in January 1993, it made declarations respectively under article 14 of the 1966 International Convention on the Elimination of Racial Discrimination, articles 21 and 22 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 41 of the 1966 International Covenant on Civil and Political Rights, accepting the jurisdiction of relevant international human rights committees in relation to complaints under those conventions.

31. Namibia reported that, since its accession to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, its Department of Women Affairs in the Office of the President has been charged with the additional responsibility of working in cooperation with the Ministry of Justice and other concerned ministries with the view to implementing the provisions of the Convention. Similar arrangements have also been made for the Ministry of Youth and Sport, the Ministry of Regional and Local Government and Housing, and the Ministry of Health and Social Services, with regard to the 1989 Convention on the Rights of the Child.

32. The Conference on Disarmament pointed out that the Organization for the Prohibition of Chemical Weapons (to be established under the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction) will oversee the most extensive international verification arrangements elaborated for a multilateral legal disarmament instrument.

33. ESA noted that it is going to organize in October 1993, jointly with the European University Institute, an International Colloquium on "The Implementation of the ESA Convention - Lessons from the Past", in Florence, Italy.

34. UNEP observed that the first meeting of the Conference of the Parties to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which met in Uruguay in December 1992, decided to establish an open-ended ad hoc committee to fulfil the tasks for the implementation of the Convention placed on it by the Conference of the Parties. UNEP also pointed out that the Fourth Meeting of the Parties to the 1987 Montreal Protocol, held at Copenhagen in November 1992, established the Multilateral Fund for the implementation of the Protocol, which assumed the

---

* Under paragraph 4 of this section of the programme, States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of that information and to submit it to the General Assembly.

functions of the Interim Multilateral Fund on 1 January 1993. To enhance effective implementation of international environmental law, UNEP has also initiated the coordination of secretariats of environmental conventions as provided for in chapter 38 of Agenda 21. 4/

35. The United Nations International Drug Control Programme stated that it issues annual questionnaires to States on the implementation of the drug control treaties. The results are reviewed by the Commission on Narcotic Drugs. It also collects national laws adopted to implement the treaties and makes them available to all States, together with an analytical index which allows them to identify sample provisions on specific subjects.

36. The International Commission of Jurists reported that, in order to contribute to the implementation of international legal standards, it routinely collaborates with United Nations efforts: it actively participates in the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities, and collaborates with the working groups and special rapporteurs of these United Nations bodies. Thus, in May 1993, it launched a campaign for the establishment of a permanent International Penal Court. Furthermore, the Commission undertakes trial observations and fact-finding missions in different countries, aimed both at protecting individuals from violations of their human rights and of international law, and at promoting changes in legal systems in line with international human rights legal requirements. The Centre for the Independence of Judges and Lawyers, created in 1978, sponsored seminars on the implementation of international legal standards and puts out two annual publications. One of these, the Yearbook, focused in 1993 primarily on how international standards are implemented at the national level.

37. ICRC pointed out that article 1 of the four Geneva Conventions and of Additional Protocol I placed on all Contracting Parties the obligation to respect and to ensure respect for international humanitarian law. This obligation, which is incumbent upon all belligerents and other Contracting Parties, does not tolerate passivity in the face of grave violations of humanitarian law and places on all Contracting Parties, even if they are not parties to the conflict, the obligation to react to such violations. In addition, the procedures for implementing international humanitarian law have been strengthened by the establishment of the International Fact-Finding Commission envisaged in article 90 of Additional Protocol I. However, this standing humanitarian body unfortunately has not yet had the opportunity to discharge its mandate. Accordingly, States should actively be encouraged to make the declaration prescribed in the aforementioned article 90 and, where necessary, to have recourse to the Commission's services in the event of armed conflict. It is also of considerable interest that the Commission indicated at its meeting in March 1992 that it is also in a position to inquire into alleged violations of international humanitarian law in non-international armed conflicts, provided that the two parties so request. ICRC also welcomed the incorporation of clauses for respect of humanitarian law in agreements concluded by the United Nations with States supplying contingents for peace-keeping forces.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice*

1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States

38. Australia noted that, during the forty-seventh session of the General Assembly, it had suggested that it might be timely for the Sixth Committee to undertake a review of the working methods and resources of the International Court of Justice so as to encourage greater use of the Court in the peaceful settlement of disputes.

39. Austria pointed out the need for the recognition of a competent international body to deal with cases in which States cannot agree on the interpretation or application of a rule of international law. It also called for further consideration in the framework of the Decade of all proposals aimed at enhancing the role of the International Court of Justice, such as the proposal of the Secretary-General that he be granted the authority to request advisory opinions of the Court. Austria further emphasized the need to develop appropriate measures for dispute prevention and settlement in the area of the environment, in which conflicts were likely to occur. Austria has recently published as a special issue in Austrian Foreign Policy Documentation, the contributions to and conclusions of the seminar on "United Nations Green Helmets - a Model System for the Prevention and Settlement of Environmental Disputes", which was held at Vienna in 1992 and organized by the Austrian Federal Ministry for Foreign Affairs, with the participation of the Russian Ministry for Foreign Affairs. The Austrian Study Centre for Peace and Conflict Resolution (ASPR), in cooperation with the European University Centre for Peace Studies, is organizing an International Civilian Peace-keeping and Peace-building Training Programme, to be held from 13 September to 9 October 1993. This course is designed as an overall training programme for qualified civilians interested in participation in peace-keeping and peace-building activities in conflict regions. Subjects to be studied include conflict analysis and conflict transformation strategies, models and activities. Participants are expected to come from various regions of the world, including particular conflict areas.

40. Guyana observed that it continued to support initiatives for strengthening the methods for the peaceful settlement of disputes between States. In this regard, Guyana acknowledged the complementary role of both multilateral and

---

* Under paragraph 1 of this section of the programme, States, the United Nations system of organizations and regional organizations, including AALCC, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

regional arrangements for dispute settlement procedures, as envisaged respectively by Chapters VI and VIII of the Charter of the United Nations. While it encouraged appropriate recourse to regional organizations as a practical measure, it in no way wished to derogate from the primary responsibility which the United Nations has for the maintenance of international peace and security.

41. The Nordic countries reiterated their proposal that the settlement of environmental disputes was an area which should be further developed. They further observed that the capacity of the United Nations system to mount combined operations of peacemaking and humanitarian assistance should be strengthened, and that the consideration, on a case-by-case basis and with due regard to the Charter, of launching actions on humanitarian grounds to rectify gross violations of human rights, should be more forthcoming. They also indicated that they have organized a number of special publications, seminars and courses devoted to the theme of the pacific settlement of disputes, as well as to traditional and new legal aspects of United Nations peace-keeping, peacemaking and peace enforcement.

2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States

42. WIPO reported that its Committee of Experts on the Settlement of Intellectual Property Disputes between States held its fifth session in May 1993. It examined a draft treaty on the matter, as well as draft regulations. The draft treaty provides for consultations among the parties to a dispute and submission of the dispute to panel procedure. Good offices, conciliation and mediation, as well as arbitration, are also provided for on an optional basis. It is expected that after an additional session of the Committee of Experts, scheduled for March 1994, a Diplomatic Conference for the conclusion of a treaty on the settlement of intellectual property disputes between States could be convened.

43. UNEP indicated that the Montevideo Programme for the Development and Periodic Review of Environmental Law for the present decade, adopted by its Governing Council in 1982, 5/ provides for objectives, strategies and activities in the general development of international environmental law and, inter alia, addresses the area of dispute avoidance and settlement.

44. UNITAR reported the introduction of a UNITAR-Inter Press Agency Fellowship Programme in Peace-making and Preventive Diplomacy, which is designed to meet the need for advanced training in conflict analysis, negotiation and mediation, which will be available to United Nations staff, diplomats and others who wish to learn or refine these skills. Training will draw upon expert knowledge from scholars and practitioners of dispute resolution. This programme is intended to increase the institutional capacity of the United Nations, its Member States, regional organizations and relevant non-governmental organizations to deal with the full range of disputes threatening international peace and security. UNITAR also organizes, jointly with the legal division of the General Agreement on Tariffs and Trade (GATT), workshops on dispute settlement procedures used at GATT; they are open to Permanent Missions dealing with the affairs of GATT and

UNCTAD and are held bi-annually at Geneva and also, on request, in developing countries. The UNITAR programme of Promotion of Cooperation in Environment-Development Negotiations also contains a training module dealing with negotiations and dispute resolution. UNITAR is furthermore working to establish a "tripartite" cooperation whereby an industrialized country or a development agency provides funding to UNITAR to design and implement training courses in international law and peaceful resolution of conflicts for civil servants in developing countries.

45. AALCC stated that it attached great significance to the cardinal principle of the peaceful settlement of disputes and would, during the second term of the United Nations Decade of International Law, inter alia, undertake an in-depth study and detailed consideration of the proposals of the United Nations Secretary-General contained in his report entitled "An agenda for peace" (A/47/277). The Secretariat of AALCC further stated that it was organizing an International Conference on International Law at Doha, Qatar, during March 1994, on international legal issues arising under the United Nations Decade of International Law, and that an item entitled the "Peaceful settlement of disputes" would be considered. As for disputes in the field of international economic and trade law, AALCC continued to urge Member States to resolve their differences in accordance with UNCITRAL conciliation and arbitration rules.

46. The Commission of the European Communities noted that the Community had participated in the meeting of the Conference on Security and Cooperation in Europe (CSCE), on peaceful settlement of disputes, held at Geneva in October 1992, which, inter alia, elaborated the Convention on Conciliation and Arbitration within CSCE.

47. The International Institute of Space Law (IISL) included on its list of selected topics to be considered during the period 1993-1994, the topic entitled: "Adjudication and arbitration of disputes regarding space activities".

48. The International Court of Arbitration of the International Chamber of Commerce (ICC) noted that participation by parties and arbitrators from Central and Eastern European countries had increased in recent years. A working party set up in 1975 between the ICC Court of Arbitration and leaders from arbitration institutions in Central and Eastern European countries meets twice a year, usually alternating between ICC international headquarters in Paris and one of the capitals of Central or Eastern Europe. It follows legislative changes and the status of international conventions (including the 1972 Moscow Convention on the settlement of disputes by way of arbitration), especially in the light of the succession of States. ICC considers that its arbitration contributes to the opening up of the countries of Central and Eastern Europe towards the rest of the world economy and the stabilization of international relations in this part of the world. It holds the view that the ICC arbitration clause serves as an instrument for the prevention and settlement of disputes, since parties resorting to arbitration have the assurance of an effective procedure sanctioned by a legally valid award that is recognized and enforced in most countries world wide. In 1992, continuing its policy of cooperation with other international organizations, the International Court of Arbitration, together with the World Bank and the American Arbitration Association, organized a conference on interim and conservatory measures in international arbitration. Lawyers from 40

different countries met together at ICC headquarters. The reports presented at this conference have recently been published by the Bulletin of the International Court of Arbitration.

49. The Institute of International Law (IIL), at its session held at Basel in 1991, decided that it would request a small group to identify the basic problems in the area of peaceful settlement of disputes and report back to it. This small group, chaired by Sir Robert Jennings, President of the International Court of Justice, prepared a report which is to be submitted to the Institute at its session to be held at Milan from 30 August to 7 September 1993. The Institute is expected to select a few topics which it will refer to committees for further study.

50. IUCN (The World Conservation Union) and the International Council of Environmental Law observed that they had prepared, in cooperation, a draft International Covenant on Environment and Development, article 52 of which requires the settlement of disputes by peaceful means and encourages the use of negotiation, inquiry, mediation, conciliation, arbitration and judicial settlement, among other possibilities.

C. Encouragement of the progressive development of international law and its codification*

51. Austria stated that international environmental law in general is one of the areas of international law which particularly requires progressive development and described the development of international norms relating to environmental protection as a most suitable subject to be dealt with in the framework of the Decade, the same being also true for the development of international humanitarian law. Austria observed that a closer coordination of activities under the United Nations Decade of International Law and the International Decade for Natural Disaster Relief could also have beneficial effects on the further development of international humanitarian law.

---

* Under paragraph 1 of this section of the programme, international organizations including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on relevant activities of the United Nations (see sect. III below).

Under paragraph 2 of this section of the programme, States are invited, on the basis of the information mentioned in paragraph 1 to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

52. Namibia noted that, in view of the numerous and diverse situations presently producing multitudes of refugees, the further codification of refugee law should be a priority task of the international community. That is to say, international refugee law should be brought up to date and designed in such a way as to meet new needs and challenges and in such a manner as to be able to deal more effectively and comprehensively with the protection of refugees world wide. Namibia further pointed out that the abuse of the diplomatic bag in the form of trade in narcotic drugs and substances or the transport of animal parts, such as rhino horns and ivory, called for more precise rules concerning the diplomatic bag and diplomatic courier to enable host States to control such illegal trafficking of goods under the guise of diplomatic privileges.

53. The Nordic countries stated that attention should be given to the issues of the protection of the environment in times of armed conflict, and reservations to multilateral treaties, in particular dubious reservations to human rights conventions, and to the need to develop humanitarian law in the context of the forthcoming Review Conference on the 1981 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. The Nordic countries further expressed the view that the work on State immunity and on a permanent international criminal court should be concluded and that the process under the auspices of the Secretary-General of the United Nations regarding the resolution to the problems regarding Part XI of the Law of the Sea Convention should be brought to an end.

54. ILO stated that, as at April 1993, it had adopted 173 Conventions and 180 recommendations.

55. IMO pointed out that on 27 November 1992, the one-week international conference it had convened adopted the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. The new Protocols incorporate the substantive provisions of two Protocols which were adopted in 1984 but contain different entry into force provisions. An International Conference was held from 22 March to 2 April and adopted the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. The consideration of a draft international convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea continued to be a priority subject in the work programme of the IMO Legal Committee, but no provision is expected to be made by the Council for a diplomatic conference in the coming biennium. The IMO Legal Committee agreed that it should also commence its consideration of a revision of the Convention on Limitation of Liability for Maritime Claims, 1976.

56. WIPO reported that it was currently engaged in the revision and preparation of treaties in the following fields: patent law harmonization; settlement of intellectual property between States; trademark law harmonization; a protocol to the Berne Convention; rights of performers and producers of phonograms; geographical indications.

57. The World Bank recalled that, in April 1991, the "Development Committee", a joint ministerial committee of the Boards of Governors of the Bank and the International Monetary Fund, requested the Multilateral Investment Guarantee Agency to prepare a "legal framework" to promote foreign direct investment. In response, the Bank prepared a set of Guidelines embodying commendable approaches which would not be legally binding as such, but could influence the development of international law in this area. The Development Committee agreed in September 1992 to call the Guidelines to the attention of the member countries of the Bank and the Fund. The Guidelines cover each of the four main areas usually dealt with in investment treaties, namely the admission, treatment, and expropriation of foreign investments and the settlement of disputes between Governments and foreign investors. Although they are based on general trends distilled from detailed surveys of existing legal instruments (published in Volume I of the Legal Framework for the Treatment of Foreign Investment), the guidelines are formulated in such a manner as also to incorporate policies that the World Bank institutions have been advocating in recent years. This approach, aimed at progressively developing rather than merely codifying applicable rules in the field, has made possible the formulation of progressive standards which are open, fair and consistent both with emerging rules of customary international law and with commendable practices identified by the World Bank.

58. AALCC indicated that its secretariat expected to make further progress on its study on the legal aspects of privatization of State-owned enterprises which, while serving the interest of the member States, would contribute to the development of the law on that subject. In the field of refugee law, the Secretariat's work on model legislation on refugees, aimed at enlarging the definition of the term "refugee" to conform to new perceptions and existing realities, would be intensified and, perhaps, completed during the present term of the United Nations Decade of International Law.

59. ICRC expressed the view that, while the current priority was to implement existing law, it was important to undertake or encourage efforts to adapt certain aspects of such law to present-day circumstances. Among these efforts, of particular relevance were the meetings of experts on the law of armed conflicts at sea, held since 1988 under the auspices of the International Institute of Humanitarian Law; the meetings of government experts organized by ICRC to update the law relating to weapons that may cause unnecessary suffering or have indiscriminate effects, including a symposium held in April 1993 on the use of mines; and the meetings of experts held by ICRC on the protection of the environment in times of armed conflict (see A/48/269). ICRC further expressed the view that the establishment of an ad hoc international criminal tribunal should constitute a step towards the establishment of a universally competent international criminal court which would have the independence and necessary means to guarantee that justice will be served.

60. The International Commission of Jurists indicated that it is undertaking work on the elaboration of Arab and Asian human rights conventions, as well as on the establishment of habeas corpus as a non-derogable right and of standards for the freedom of association.

61. The World Federalist Movement expressed the view that the people of the world must have a sharper voice in international decision-making and that they

should, eventually, participate in the system of public international law through the creation of a directly elected United Nations parliament. To further this goal, the World Federalist Movement believes that the United Nations should consider establishing a parliamentary assembly, based on the model of the European Parliament, as a subsidiary organ of the General Assembly under Article 22 of the Charter.

62. The International Council of Environmental Law (ICEL) stated that it had co-sponsored a consultation with the IUCN Commission on Environmental Law and the World Travel and Tourism Council on the law concerning the protection of designated natural and cultural heritage sites in times of armed conflict in December 1992. The consultation reviewed applicable international agreements and soft law documents and concluded that these instruments needed to be re-examined in light of recent fundamental changes in international relations. The meeting resulted in a series of recommendations including measures to be taken by the United Nations and UNESCO. Specifically, the United Nations was asked to consider the rules of international law governing the protection of designated cultural and natural sites as a high priority in the programme of the United Nations Decade of International Law. ICEL also sponsored a project to draft an International Covenant on Environment and Development which was begun in 1989 by the IUCN Commission on Environmental Law. The purpose of the project was to lay down the main principles of environmental conservation and sustainable development in an internationally binding legal instrument.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law*

63. Austria pointed out that it supported with regular contributions the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, particularly the International Law Seminar.

64. UNITAR observed that more than 160 applications had been received in 1993 for the Hague Fellowship Programme organized under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. There were 20 fellowships available under the Programme.

2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose**

65. Australia pointed out that the Department of Foreign Affairs and Trade had continued its programme of guest lectures at university law schools throughout

---

* Under paragraph 1 of this section of the programme, States and other public or private bodies are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

** Under paragraph 2 of this section of the programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 3, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 6, cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

the country. The theme of the 1993 lecture series was "The importance of International Law to Legal Practitioners". In addition to these lectures, the Department had conducted a Security Council simulation exercise aimed at providing university students with a practical appreciation of international law. The Department actively supported the participation of university law schools in the Philip C. Jessup International Law Moot Court Competition. The Department was also working together with governmental and non-governmental organizations (such as the Law Association for Asia and the Pacific) to provide texts on international law and treaty documentation to developing countries, particularly in the Asia and Pacific region. As far as suggestions of national societies with respect to the teaching of international law are concerned, the inclusion into the curricula of secondary schools of introductory courses on international law was mentioned.

66. Austria indicated that courses in international law formed a constituent part of the curricula of all law students in that country. In addition to law schools, courses on international law were also part of the curricula of other faculties, such as political science or economics, and of the Austrian diplomatic academy.

67. Namibia announced that the faculty of the newly established University of Namibia would devise a curriculum in which international law would be taught to law students, as well as students of other faculties who were studying international relations, political science and business and public administration. The Ministry of Education and Culture would also be encouraged to incorporate aspects of international law in the school curriculum on civics or government.

68. WIPO reported that it encouraged the teaching and research in the law of intellectual property in universities and other teaching and research institutions in developing countries. The support provided by WIPO included the organization of seminars as well as assistance in the establishment of the content of the curricula, in the preparation or acquisition of teaching material, and in the professional training of law professors and other specialists intending to teach or intensify their teaching in the law of intellectual property. Furthermore, WIPO facilitated the participation of professors and researchers in intellectual property law from developing countries in meetings organized by WIPO or, in response to a suggestion of WIPO, by the International Association for the Advancement of Teaching and Research in Intellectual Property.

69. The Commission of the European Communities stated that European inter-university cooperation was an important tool for the development of studies in international and Community law. Under the ERASMUS programme, institutions of higher education within the European Community and the European Free Trade Area could receive support from the Commission for the establishment of inter-university cooperation programmes, transnational structures that foster student and teacher mobility and the joint development of teaching programmes and intensive courses. International law was particularly well represented in those programmes.

70. UNESCO stated that the creation of a number of UNESCO chairs of international law, which would subsequently form an integrated network, was

aimed at strengthening inter-university cooperation and academic mobility through UNITWIN partnerships. The purpose of these chairs would be: to introduce advanced courses and to carry out research in the field of international law in close cooperation with the United Nations University, the International Law Association and non-governmental organizations specialized in higher education; and to promote cooperation between institutions of higher education in the developed and the developing countries and to provide assistance to the latter in establishing programmes of teaching, training and research in the field of international law. UNESCO further indicated that, in 1992, it had published the second edition of the World Directory of Human Rights Teaching and Research Institutions and that it was planning to publish in 1993-1994, the third edition of the World Directory, as well as a summary of the contribution of UNESCO to the teaching of international law.

71. ICRC observed that it endeavoured, with the support of national Red Cross or Red Crescent Societies and through their Federations, to promote the teaching of humanitarian law by all appropriate means, encourage the study of its substance and make the media and the general public more aware of its principles and objectives. This effort was focused on all countries and all segments of society and essentially sought to assist and encourage States fully to fulfil their treaty obligation to disseminate and promote international humanitarian law. This obligation was still largely unfulfilled, and much work remained to be done.

72. The Institute of International Law reported that, at its session in 1991, it decided to establish once again a committee to consider the question of the teaching of international law. Professor Ronald St. John Macdonald had been appointed Rapporteur. The Committee would present the results of its work at a forthcoming session of the Institute to be held at Milan, from 30 August to 7 September 1993. It would present the results of its work at a forthcoming session of the Institute.

73. The Hague Academy of International Law pointed out that courses in the field of public international law and private international law were given each summer at the Peace Palace for six weeks, from 1 July to 15 August and were taken by a growing number of auditors (465 in 1984, from 75 countries, and 620 in 1992, from 100 countries). Furthermore, each year the Academy organized a Research Centre bringing together high-level researchers on specialized topics ("External debt" in 1992 and "Risks involved in the peaceful uses of nuclear energy" in 1993), and also a Human Rights Centre, for activists from third world countries.

74. ESA reported that the European Centre for Space Law (ECSL) had organized in September 1992, in cooperation with the University of Messina, the first European Summer Course in Space Law and Policy. In September 1993, ECSL would organize the second European Summer Course on Space Law Policy at Toulouse, France. ECSL also had three bursaries available per year for students that pursued space law related studies in their (post) graduate phase. The Centre had further updated at the end of 1992 its booklet "Space law teaching in Europe", aimed at promoting such teaching by making students more aware of the various opportunities for attending space law related courses.

75. The International Astronautical Federation observed that the IISL was considering the convening of a symposium on space law teaching to be held in 1994, which would review the current status of these activities in the world and discuss the question of preparing model curricula and other materials for courses of international law of outer space.

3. Organization of international and regional seminars and symposia for experts on international law*

76. Australia mentioned that the first annual meeting of the revived Australian and New Zealand Society of International Law was held at the Australian National University from 28 to 30 May 1993. This meeting provided a forum for Australian and New Zealand academics and government officials to discuss particular issues of international law. Australia further reported that national societies had made several suggestions for activities in the framework of the Decade, including an annual international law oration; regional conferences for branches of international law associations; weekend or evening seminars to inform practitioners of recent developments in international law; and the development of opportunities for addresses to Australian audiences by visiting jurists of distinction.

77. The Nordic countries observed that issues regarding international law and the environment, international law and the protection of human rights, the enforcement of international law and international law and problems of development had all been the focus of debates in academic and professional societies and writings in general and specialized publications and throughout the national media in these countries. There was a widespread interest in examining the effects, if any, of recent years' political transformations upon the traditional conception of international law. Thus, basic notions regarding the subjects and sources of international law, as well as the very concept of State sovereignty, had been both challenged and defended.

78. ICAO indicated that, during the second term of the Decade, it would organize a number of regional legal seminars dealing with the international legal work of the Organization. Moreover, the ICAO Council was considering the holding of a major legal seminar among the activities marking the fiftieth anniversary of the signing of the Convention on International Civil Aviation of 7 December 1944. The seminar, to be held at Montreal, would address the relevant subjects in the work programme of ICAO and their relation to the United Nations Decade of International Law.

---

* Under paragraph 4 of this section of the programme, States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

79. The Commission of the European Communities pointed out that it organized and supported the organization of a large number of conferences, seminars, symposia and other forums for the dissemination of knowledge, not only on European law, but on public international law as well.

80. AALCC stated that it was actively cooperating with the Government of Qatar in organizing an International Conference on the International Legal Issues Arising under the United Nations Decade of International Law. The Conference, to be held in March 1994, was designed and expected to promote the objectives of the Decade. AALCC was further undertaking a survey on the legal aspects of prevention and reversal of desertification, and was considering the convening of a meeting of legal experts on this subject, in cooperation with UNEP.

81. ICRC indicated that it was assisting with the substantive preparations for the International Conference for the Protection of Victims of War, to be held at Geneva from 30 August to 1 September 1993, on the initiative of the Swiss Government. ICRC hoped that this Conference would make it possible to significantly strengthen provisions protecting victims of armed conflicts and to enhance humanitarian efforts. On that occasion, ICRC would emphasize the need to adopt measures in peacetime which are indispensable to respect for humanitarian law in time of conflict, in particular, the ratification of humanitarian treaties, acceptance of the competence of the International Fact-Finding Commission, education of the armed forces, increasing the awareness of the media and public opinion and the adoption of any relevant national implementation measures.

82. The International Court of Arbitration of the International Chamber of Commerce noted that it had organized a conference jointly with the World Bank and the American Arbitration Association on interim and conservatory measures in international arbitration in 1992. This event, which enabled lawyers from 40 different countries to meet together at ICC headquarters was important for every country, every arbitrator and every national court since resort to interim and conservatory measures was becoming more frequent. The reports presented at this conference had recently been published by the Bulletin of the International Court of Arbitration.

83. The Andean Tribunal of Justice reported that it intended to hold seminars on communitarian law later this year in the five member countries: Bolivia, Colombia, Ecuador, Peru and Venezuela. These seminars would be targeted to court administrations, law schools and graduate students in law and economics from the various public and private universities.

84. ESA stated that the following activities had taken place under the auspices of ECSL: in October 1992, ECSL had provided support for the second Workshop on the Legal Protection on Remote-Sensing Data held at Brussels, at the premises of the European Commission; in November 1992, the first Practitioners Forum had been organized within the framework of ECSL in Paris, at ESA headquarters; in March 1993, ECSL jointly organized with the Dutch National Point of Contact a workshop on the changing structure of Europe in space, held at the European Space Research and Technology Centre; in April 1993, ECSL organized the European preliminaries of the International Institute of Space Law (IISL) Space Law Moot Court Competition in Paris; in May 1993, ECSL organized jointly with the Spanish National Point of Contact a workshop on intellectual property rights in outer

space, held at Madrid. As for future activities, in October 1993, ECSL/ESA would organize jointly with the European University Institute an International Colloquium on "The Implementation of the ESA Convention - Lessons from the Past" at Florence; in that same month, ECSL would also sponsor the winning team of the European preliminaries of the Space Law Moot Court Competition to go to Graz for the final Competition; and in November 1993, ECSL would organize the Second Practitioners' Forum. In addition, the following research items had been identified for future workshops of ECSL: the application of the outer space treaties in Europe, the legal aspects of transfer of technology in space activities and the legal and institutional aspects of European space integration.

85. The International Astronautical Federation (IAF) reported that, for the period 1993-1994, IISL would organize colloquia on the following topics: legal aspects of space activities of organizations of the United Nations system of organizations and other international organizations; adjudication and arbitration of disputes regarding space activities; legal aspects of space insurance; recent developments in space law, with special emphasis on nuclear power sources; new legal developments in satellite communications; definitional issues in space law; liability in commercial space activities and other legal matters. Moreover, the Scientific-Legal Liaison Committee, a joint body of the International Academy of Astronautics (IAA) and the IISL, which is composed of experts in space sciences, space technology and space law, would hold a round table on scientific and legal aspects of space debris in October 1993, during the IAF Congress at Graz, Austria.

86. The International Commission of Jurists pointed out, that in January 1993, it had held a brainstorming session on the African Charter for Human Rights, with special reference to the establishment of an African Human Rights Court. Moreover, in July, it would hold two seminars on the legal services for rural and urban poor and the legal status of women, in anglophone and francophone West Africa. A seminar was planned for 1994 in Latin America, on access to legal systems for the poor.

87. The International Association for Water Law reported that the Mekong Committee had organized a workshop in March 1993, in Vientiane, on the topic "International River Basin Commissions".

88. IUCN (The World Conservation Union) indicated that in May 1993, it had assisted the Inter-American Development Bank with the organization of a seminar on environmental policy and law in Latin America. The seminar consisted of panel discussions on important elements of international environmental law in the wake of Agenda 21, such as the Basel Convention, the Convention on Biological Diversity, the Framework Convention on Climate Change, the Vienna Convention for the Protection of the Ozone Layer, the London Guidelines for the Exchange of Information on Chemicals in International Trade and the relationship between various trade agreements and the environment. The seminar was an important step in the dissemination of information and exchange of ideas in Latin America in order to follow up on the obligations set by Agenda 21 at the United Nations Conference on Environment and Development.

4. Training in international law for legal professionals and government officials organized by States and international organizations*

89. Australia observed that its Department of Foreign Affairs and Trade had since 1990 required all graduate entrants to the Department to undertake a semester-long course in international law run by the Australian National University. This course was also open to other officers in the Department and to the staff of diplomatic missions based at Canberra. In addition, the Australian Government sponsored participation in the course by Foreign Ministry officials from other countries. There were 10 participants from regional countries attending this year's course. The Australian Government also provided financial assistance to officers who wished to undertake higher degrees in international law. The Department of Foreign Affairs and Trade was also developing a human rights manual for the purpose of fostering a deeper understanding of human rights issues amongst officers of the Department, who may expect to encounter such issues in the course of their daily responsibilities at Canberra and posts overseas. The manual included a detailed summary of the main treaties and organizations relevant to a good understanding of international human rights law and practice. Australia further indicated that a scholarship has been established to assist in the training in international law of government lawyers from Pacific Island countries, in collaboration with the Attorney-General's Department and the Australian International Development Assistance Bureau. The scholarship, to be awarded annually, would be available for as long as there was demand.

90. The secretariat of the United Nations Commission on International Trade Law reported that it has devised an extensive training and assistance programme. The programme is designed to acquaint lawyers, government officials, the trading community and scholars with the work of UNCITRAL and with international trade law in general. Over the last year, as part of this programme, national seminars have been held in Bangladesh, Indonesia, Pakistan, Poland, Slovenia, Sri Lanka, Thailand and Ukraine. In addition to this, members of the secretariat have attended meetings of other organizations and agencies where the work of UNCITRAL has been presented and discussed. Also, in furtherance of the programme on training and assistance, the secretariat was organizing the Fifth UNCITRAL Symposium on International Trade Law to be held on the occasion of the twenty-sixth session of the Commission. The Symposium is designed to acquaint young lawyers with the work of UNCITRAL and also with international trade law generally. Twenty scholarships have been offered to young lawyers, mainly from

---

* Under paragraph 5 of this section of the programme, States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

Africa, to enable them to attend the Symposium. As part of the future programme, the secretariat is in the preliminary stages of organizing seminars and symposiums in Eastern Europe, Africa and in Latin America and the Caribbean.

91. The UNCTAD secretariat stated that it was currently involved in updating and harmonizing the maritime legislation of various countries at the subregional and national levels, with the aim of providing a legal framework for more effective maritime transport. Training of nationals at various levels forms an integral part of the projects.

92. WIPO indicated that it trained officials and persons in the semi-governmental and concerned private sectors in developing countries, individually or in groups, through scholarships, study visits, training courses, seminars, workshops or attendance of the WIPO Intellectual Property Academy, with the aim of providing basic or specialized knowledge of the law of industrial property and of copyright and neighbouring rights.

93. The Hague Academy of International Law reported that it arranged courses abroad, held successively in different countries in Africa, Latin America and Asia, for young academics and diplomats from the region in question. A programme of this kind would, for instance, be held in November at Harare.

94. AALCC stated that its secretariat provided in-house training for junior and medium-level officials of its member States.

95. The International Commission of Jurists pointed out that it organized training sessions for local lawyers under the guidance of law enforcement officers in America, Asia and Latin America. The aim of those workshops was to assist local jurists in rebuilding systems of administration of justice through increasing their awareness of applicable international norms.

96. The International Association for Water Law noted that the Mekong Committee had undertaken a training programme in national and international water law for the benefit of the four riparian countries.

5. Publication of the practice of States, and international and regional organizations in the field of international law*

97. Australia reported that the Department of Foreign Affairs and Trade, in conjunction with the Attorney-General's Department and the Australian National University had continued to publish the Australian Yearbook of International Law, which included a section on Australian practice in international law.

---

* Under paragraph 7 of this section of the programme, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

98. Austria indicated that an Austrian Repertory of Practice was regularly published as part of the Austrian Journal of Public and International Law in German and English. In addition, an Austrian expert was participating in a committee of experts established by the Council of Europe's Committee of Legal Advisers on Public International Law, in order to study the possibility of coordinating and harmonizing publications on State practice.

99. The UNIDO secretariat stated that it was presently considering the possibility of establishing a programme for the systematic publication of treaties concluded between UNIDO and other subjects of international law.

100. ILO indicated that reports of committees established under the ILO Constitution to investigate complaints and representations were published in the Official Bulletin, while legal opinions relating to more general questions were published in the United Nations Juridical Yearbook.

101. WIPO noted that it prepared summaries of its legal activities for publication in a number of repertories and yearbooks, including the Yearbook of the United Nations and the United Nations Juridical Yearbook.

102. The Commission of the European Communities indicated that community law (not only regulations and guidelines, but also international treaties) was regularly published in nine languages in the Official Journal of the European Communities. In addition, all of the decisions and case law of the Court of Justice of the European Communities (judgements, court orders and conclusions of advocates general) were published in the Reports of Cases before the Court and the Digest of Case-Law relating to the European Communities. Community legislation was also listed in the Directory of Community Legislation in Force and Other Acts of the Community Institutions. European Community law was thus available to anyone interested in the subject. The Commission had even made available to the public databases on the status of Community legislation and case law: CELEX, the Interinstitutional Computerized Documentation System for European Community Law, had been created in 1970 and opened to the public in 1981. The Commission was the producer and official supplier of CELEX. However, the data were generated by the various institutions of the European Community: the Commission, the Council, the European Parliament, the Court of Justice, the Economic and Social Committee and the Court of Auditors. CELEX covered Community law in its entirety, that is, not only legislation but also travaux préparatoires (opinions, proposals, resolutions, etc.), the case law of the Court, parliamentary issues and references to national provisions for the execution of Community guidelines. CELEX was currently available to the public in all official Community languages.

6. Publication by States and international organizations of international legal instruments and legal studies*

103. The UNCTAD secretariat reported that it continued to prepare a series of publications whose purpose was to describe and compile the regulations concerning foreign investments in developing countries. A new volume had been published relating to the regulations of Latin American and Caribbean countries. The secretariat had also prepared a publication entitled "Bilateral Agreements on Trade and Economic Cooperation Concluded by Developing Countries", reproducing the text of the agreements arranged by subject-matter. The UNCTAD secretariat further indicated that it had continued to undertake and publish studies on institutional and legal aspects relating to the promotion of multilateral and joint ventures among developing countries. Such publications included "Andean Joint Enterprises: Analytical Compendium" and "Arab Multilateral Enterprises".

104. UNITAR stated that it had the following publications scheduled to come out in the near future: Debt Restructuring, which was a compilation of presentations made by experts at UNITAR seminars and workshops on the legal aspects of debt management; Recommendations of Participants, a compilation of recommendations made by lawyers and experts at UNITAR seminars, for the attention of their respective national authorities; and Good Debt Management Pays, which included contributions from various experts on the topic.

105. UNESCO indicated it had published in 1992 Peace and Conflict Issues after the Cold War in the UNESCO collection "Studies in Peace and Conflict". That publication examined not only questions relating to conflicts, but also the concept of "cultivating peace".

106. FAO announced the imminent publication of FAO Legislation Study No. 50, Treaties concerning the non-navigational uses of international watercourses - Europe. This collection of treaties contained the texts - in full or in excerpt form - of 105 treaties concluded between or among European States after 1960. It might be viewed as a contribution to a better knowledge of legally binding steps taken by countries in the European region towards the development, use and protection of the water resources of rivers and lakes common to two or more States. The information contained in that publication, in addition to being useful as specialized reference material, might also be a source of ideas for policy makers and decision makers in general, and governmental legal advisers and negotiators in particular, as they deal with the uniquely complex legal implications of developing, using and protecting water resources shared across international borders.

---

* Under paragraph 8 of this section of the programme, States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

107. AALCC observed that it had included in a recent publication containing the reports of its annual sessions from 1987 to 1991, research studies prepared by the secretariat of the Committee on some select agenda items. AALCC further stated that the papers of the International Conference on International Law, to be held at Doha in March 1994, would be published.

108. ICRC reported that it had published the Geneva Conventions of 1949 and the Additional Protocols of 1977.

109. The Hague Academy of International Law observed that it published annually not only the courses given at The Hague - the compilation of which comprised more than 230 volumes found in all the legal libraries of the world - but also the reports of the Research Centre and the records of the seminars.

110. The Institute of International Law noted that a compendium of the resolutions adopted at its biennial sessions from 1957 to 1991, was published in 1992 (Yearbook of the Institute of International Law, Resolutions 1957-1991, Paris, Pedone). The resolutions of the Institute highlight the principles and rules of international law and emphasize their value, or indicate desirable developments lege ferenda.

111. The Andean Tribunal of Justice stated that it had published the following works in 1992: "Derecho Andino", "Tratados y Convenios de integración", and "La interpretación prejudicial en el derecho andino".

112. The International Commission of Jurists noted that the Centre for the Independence of Judges and Lawyers published two annual publications. The first was the Yearbook, which provided a forum for the analysis of issues crucial to the independence of the judiciary. The latest issue focused on the question of the legal protection of the role of lawyers and the extent to which international standards were implemented on a national level. The second publication was Attacks on Justice, which catalogues cases of harassment and persecution of judges and lawyers, and national legal developments that affect the independence of the judiciary. The Commission further published its Review, providing scholars and activists with a forum for the discussion of international human rights issues. The Review was published twice yearly. The latest issue examined, inter alia, questions of humanitarian intervention, of impunity, and of cultural rights.

113. ESA pointed out that ESALEX, the electronic database containing space law documents and references open to all ECSL members, had been substantially expanded and reorganized in the period 1991 to 1993. Other publications of ECSL included a compilation of basic materials for the summer course organized by the Centre, as well as the ECSL Newsletter containing information on current developments relating to space law.

114. IUCN (the World Conservation Union) observed that it published a collection of the full texts of multilateral treaties relating to the environment, which also contained information, updated biannually, on the status of the treaties.

115. ICEL indicated that it published a collection of soft law texts. The collection, which was updated twice a year, included resolutions, guidelines, charters, declarations, codes and draft legal instruments relating to

environmental protection that are elaborated by intergovernmental organizations or international conferences in this field. ICEL further stated that it maintained an extensive documentation collection at Bonn in partnership with the Environmental Law Centre of IUCN. The documentation was kept in a computerized information system, namely, the Environmental Law Information System (ELIS), which was a unique environmental legal information system. ELIS is a special sectoral source for Infoterra, the UNEP information referral service.

7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof*

116. The European Court of Human Rights observed that the judgements of the Court were frequently translated into the different languages of Contracting Parties and reproduced in full in many European legal periodicals.

8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook**

117. UNEP noted that the texts of the international legal instruments concluded under its auspices have been published and widely disseminated to, among others, Governments and international organizations.

118. WIPO indicated that it publishes the text of all the treaties administered by the organization. These texts are available in several languages. In addition, they are published, as inserts, in the review Industrial Property/La Propriété industrielle.

119. Publication of the United Nations Juridical Yearbook has been resumed after an interruption owing to the financial crisis. The 1982, 1983, 1984 and 1985 editions came out in 1989, 1990, 1991 and 1992, respectively and the 1986 and 1990 editions are in the press. The calendar of production of subsequent editions provides for the submission of the 1991 edition by the end of 1993; the 1987, 1992 and 1988 editions in 1994; and the 1989 and 1993 editions in 1995.

---

* Under paragraph 9 of this section of the programme, international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

** Under paragraph 10 of this section of the programme, international organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

This calendar, under which work proceeds simultaneously at both ends, will make it possible to bridge the gap and eliminate the backlog by the end of 1995, while at the same time keeping readers of the Yearbook abreast of contemporary developments.

120. The United Nations has made special efforts to eliminate the backlog in the publication of volumes of the United Nations Treaty Series. The Treaty Section hopes to have eliminated the backlog in the compilation of manuscripts by the end of the current biennium.

121. In addition to its own work on the elimination of the backlog, the Office of Legal Affairs has also been actively pursuing its programme of computerization of the Treaty Series. An automated Superindex (English and French) of treaties registered with the Secretariat under Article 102 of the Charter was prepared on the basis of the Database of the United Nations Treaty Information System. This Database encompasses data on all material registered, whether published or not in the United Nations Treaty Series. During 1994-1995, the Treaty Section will make the Superindex available on CD-ROM.

122. In 1992-1993, an analysis of the feasibility and cost of making available through on-line access the contents of the entire United Nations Treaty Series, as well as the material registered but not yet published, has been completed. Subject to approval by the General Assembly, the Treaty Section will carry out this programme in 1994-1995.

123. Also during 1992-1993, the computerization of the publication Multilateral Treaties deposited with the Secretary-General, Status as at 31 December 199 , was completed. It is now being updated on a daily basis. It is anticipated that it will be ready for on-line access by Member States and other users in the course of 1994.

E. Procedures and organizational aspects

1. The role of the Sixth Committee of the General Assembly of the United Nations

124. Austria stated that a working group of the Sixth Committee should serve as the "steering body" regarding all questions relating to the Decade with a view to further developing generally acceptable recommendations for consideration and adoption by the General Assembly and enabling the Committee to closely monitor all activities related to the Decade.

2. A possible United Nations congress on public international law*

125. Austria stated that it supports the proposal for a possible United Nations congress on public international law as an interesting contribution to the fiftieth anniversary of the United Nations and would favour the subject being dealt with in the framework of the Sixth Committee.

126. The Nordic countries also supported the idea of holding a United Nations congress on public international law, and felt that the Secretariat's draft preliminary operational plan for such a congress would be a useful basis for further deliberations. They expressed the view that the congress should be convened at United Nations Headquarters in New York in 1995 and be financed within existing resources. They stressed the need for a wide participation of professional and academic interests, as well as non-governmental organizations, which would reflect the differing approaches to international law. The high quality of contributions should ensure their publication and wide distribution through normal commercial publishing channels. The congress would constitute an appropriate way to celebrate the significance of the United Nations for the development of international law in the past 50 years. It should concentrate on specific topics, for example, by dividing itself into committees, and should seek to elaborate specific proposals for the further development of international law in particular fields. The topics could be chosen from the proposals already made by States and international organizations in the context of the Decade.

127. IAF and IISL supported the idea of holding a United Nations congress on public international law at an appropriate date and expressed readiness to assist the United Nations in implementation of this idea, particularly in the field of international law of outer space.

128. The World Federalist Movement strongly endorsed the proposal for such a congress, to be held in 1995, urged that Governments place a high priority on the proper financing of the congress, and emphasized that such a congress could contribute significantly towards revitalizing the Decade of International Law. It supported the suggestions that the congress be devoted to an exchange of views on the achievements in the area of public international law during the past 50 years of the existence of the United Nations and to a discussion on the needs of the international community in this field that could be foreseen for

---

* In accordance with paragraph 3 of this section of the programme, the Secretariat, on the basis of informal consultations with the members of the Sixth Committee, has drawn up a preliminary operational plan for a possible United Nations congress on public international law, based on the proposal that the congress be held in 1994 or 1995, and within existing resources and assisted by voluntary contributions, and is submitting it to the Sixth Committee for consideration by general agreement at the forty-eighth session of the General Assembly (see A/48/___).

meeting the problems and challenges of the twenty-first century; that participants and speakers should represent all major legal systems of the world, its different regions and various segments of the international legal profession, and should include academicians and practising lawyers, international jurists, diplomats, members of parliaments, national judges, and representatives of the media and non-governmental organizations; and that the duration of the congress should be five days.

3. Establishment of national, subregional and regional committees for implementation of the programme*

129. Australia stated that the Department of Foreign Affairs and Trade continues to be responsible for implementing Australia's activities for the Decade. In carrying out this task, the Department works closely with the Attorney-General's Department and national societies. Many of the national and regional activities commenced in the first biennium of the Decade are continuing and further activities are being implemented in the second biennium.

130. The Nordic countries again stressed that the focus of activities for the Decade should be on the national level. However, this would not necessarily exclude specific international activities, if these were planned with care and oriented towards concrete results.

4. The question of the provision of adequate financing for the implementation of the Decade programme**

131. None of the replies received addressed this question.

---

* Under paragraph 5 of this section of the programme, States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade.

** Under paragraph 6 of this section of the programme, it is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

A. The law relating to human rights

Commission on Human Rights - Subcommission on Prevention of Discrimination and Protection of Minorities

132. At its forty-seventh session, the General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (resolution 47/135 of 18 December 1992, annex), elaborated by the Commission on Human Rights. The Assembly also proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance (resolution 47/133 of 18 December 1992), prepared by the Subcommission on Prevention of Discrimination and Protection of Minorities and reviewed by the Commission on Human Rights.

133. Currently, the Commission on Human Rights is working, on the basis of a study and a draft body of principles elaborated by the Subcommission, on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The Commission is further elaborating a draft optional protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, designed to establish a preventive system of visits to places of detention. The Subcommission is currently working towards the completion of a draft universal declaration on indigenous rights.

134. The Subcommission is further studying a number of questions, such as the right to a fair trial, the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, and the definition of gross and large-scale violations of human rights as an international crime. 6/

Commission on the Status of Women

135. The Commission completed its elaboration of a draft declaration on the elimination of violence against women 7/ and recommended to the Economic and Social Council the submission of the text to the General Assembly for adoption.

B. The law relating to disarmament

136. At the end of its 1992 session, on 3 September, the Conference on Disarmament concluded its negotiation on the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and agreed to transmit it to the forty-seventh session of the General Assembly. In its resolution 47/39 of 30 November 1992, the General Assembly commended the Convention as transmitted by the Conference on Disarmament and requested the Secretary-General, as its depositary, to open it for signature in Paris on 13 January 1993. Moreover, a Preparatory Commission for the Organization for the Prohibition of Chemical Weapons, established by the Convention, held its first session in February 1993 at The Hague, with the

assistance of the United Nations Secretariat. The said Organization will oversee the most extensive and developed international verification arrangements elaborated for a multilateral legal disarmament instrument.

137. At its 1993 session, the Conference agreed to focus on four main areas in its work: a nuclear test ban; transparency in armaments; prevention of an arms race in outer space; and effective international arrangements to assure non-nuclear weapons States against the use or threat of use of nuclear weapons.

C. The law relating to outer space

138. At its forty-seventh session, the General Assembly adopted the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, elaborated by the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space (resolution 47/68 of 14 December 1992).

139. The Subcommittee is currently continuing, inter alia, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, as well as its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of developing countries.

D. The law relating to economic development

United Nations Conference on Trade and Development

140. United Nations Conferences have been convened in 1993 under UNCTAD auspices for the purpose of negotiating international agreements on cocoa, on olive oil and table olives and on tropical timber.

141. Moreover, a United Nations/IMO Conference of Plenipotentiaries was held at Geneva from 19 April to 6 May 1993 and adopted the convention on Maritime Liens and Mortgages, prepared by the Joint UNCTAD/IMO Intergovernmental Group of Experts.

142. The Second Round of Negotiations on the Global System of Trade Preferences, launched in November 1991, is expected to conclude by July 1994.

E. The law relating to international trade

143. The United Nations Commission on International Trade Law adopted at its twenty-sixth session a Model Law on Procurement of Goods and Construction, elaborated by its Working Group on the New International Economic Order. The Commission further adopted a Guide to Enactment of the Model Law.

144. UNCITRAL also considered, at its twenty sixth session, a number of topics proposed for possible future work by the Commission during the 1992 Congress on International Trade Law. The Commission decided to elaborate model legislative provisions on procedures to be followed in the procurement of services with the intention of completing that work at its next session, in 1994. UNCITRAL also requested its Secretariat to prepare guidelines for prehearing conference in international commercial arbitration, and to prepare studies on the feasibility of unification of law as regards assignment of claims in international trade, legal issues in cross-border insolvency, and legal aspects of "build, operate and transfer" contracts.

F. The law relating to international drug control and to crime prevention and criminal justice

145. At its thirty-fifth session in April 1992, the Commission on Narcotic Drugs devoted attention to measures to prevent diversion of precursors and essential chemicals, and invited the Customs Cooperation Council to establish a discrete tariff code for new substances, the monitoring of which the International Narcotics Control Board considered justified under article 12 of the 1988 Convention. The Commission also considered measures for combating illicit traffic by sea and recommended that the United Nations International Drug Control Programme coordinate its activities in this field with IMO, in order to implement the guidelines for the prevention of drug smuggling on ships elaborated by that Organization.

G. The law relating to environment

United Nations Environment Programme

146. On 21 May 1993, the UNEP Governing Council, by its decision 17/25, 1/ adopted the Programme for the Development and Periodic Review of Environmental Law for the present decade.

147. The Programme addresses the following sectoral areas: environmental impact assessment; environmental awareness, education, information and public participation; concepts or principles significant for the future of environmental law; protection of the stratospheric ozone layer; transboundary air pollution control; conservation, management and sustainable development of soils and forests; transport, handling and disposal of hazardous wastes; international trade in potentially harmful chemicals, environmental protection and integrated management, development and use of inland water resources; marine pollution from land-based sources; management of coastal areas; protection of marine environment and the Law of the Sea; and international cooperation in environmental emergencies. In addition to the above subject areas, the Programme has identified the following as subjects for possible consideration during the present decade: environmental protection of areas beyond the limits of national jurisdiction; use and management of biotechnology, including the question of intellectual and property rights with respect to genetic resources; liability and compensation/restitution for environmental damage; environment and trade; examination of the environmental implications of international agreements on subjects which do not relate directly to the environment; environmental

problems of human settlements, including their growth; transfer of appropriate technology and technical cooperation.

148. At its first meeting, in December 1992, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal decided to establish an ad hoc working group of legal and technical experts to consider and develop a draft protocol on liability and compensation, possibly including the establishment of an international fund for compensation for damage resulting from the transboundary movements of hazardous wastes and their disposal.

149. The Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade decided to establish a Task Force to be convened in 1993 to consider measures for formulating a possible international legal instrument. In order to achieve fully the objectives set out in the Guidelines, UNEP has been providing an international forum to private sector parties, such as industry and non-governmental organizations, to prepare a code of ethics on the international trade in chemicals.

150. With respect to the progressive development of international environmental law, UNEP is also undertaking work on marine pollution from land-based sources and environmental impact assessment.

Intergovernmental Negotiating Committee for the elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification

151. The General Assembly, by its resolution 47/188 of 22 December 1992 decided to establish an Intergovernmental Negotiating Committee under its auspices with a view to finalizing such a convention by June 1994. The Committee held its first substantive session at Nairobi in May 1993 and expects to hold a second session at Geneva, from 13 to 24 September 1993.

H. The law of the sea

152. Taking into account the fact that the United Nations Convention on the Law of the Sea, having received 56 ratifications or accessions, may enter into force in a fairly short period of time, the Preparatory Commission, being unable to make any further progress in its substantive work, concluded its consideration of its provisional final reports.

153. During 1993, the Secretary-General, assisted by the Legal Counsel of the United Nations, convened two further sessions of informal consultations. These consultations are aimed at resolving outstanding issues relating to the deep seabed mining provisions of the United Nations Convention on the Law of the Sea in order to achieve universal participation in the Convention.

154. The General Assembly, in its resolution 47/192 of 22 December 1992, decided to convene, in 1993, under United Nations auspices, a Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The task of this Conference, held

from 12 to 30 July 1993, was to identify and assess existing problems related to the conservation and management of such fish stocks; to consider means of improving fisheries cooperation among States; and to formulate appropriate recommendations. The work and the results of the Conference were to be fully consistent with the provisions of the United Nations Convention on the Law of the Sea.

I. The work of the International Law Commission

Current activities

155. At its forty-fifth session, the International Law Commission devoted considerable attention to the question of an international criminal jurisdiction in accordance with paragraph 6 of General Assembly resolution 47/33 of 25 November 1992, which requested the Commission to continue its work on this question by undertaking the project for the elaboration of a draft statute for an international criminal court as a matter of priority. A Working Group of the Commission has elaborated a draft statute for an international criminal tribunal, which the Commission intends to finalize at its next session in 1994, and which is to be found in an annex to the report of the Commission on the work of its forty-fifth session. 8/

156. On the question of State responsibility, the Commission has adopted a set of articles with commentaries on the "procedural" consequences (cessation and reparation) of international delicts. The work on the instrumental consequences of international delicts (countermeasures) has reached an advanced stage. The Commission has also held an extensive debate on the inclusion of dispute settlement procedures in the future convention on the topic.

157. As regards the topic "International liability for injurious consequences arising out of acts not prohibited by international law", the Commission has examined a complete set of articles proposed by the Special Rapporteur on the obligations of States as regards preventive measures in respect of activities with a risk of transboundary harm. On some of those articles, the work has reached an advanced stage.

158. On the topic "The law of the non-navigational uses of international watercourses", the Commission has started the second reading of the draft articles adopted on first reading in 1991. The second reading should be completed at the next session in 1994.

159. As regards its long-term programme of work, the Commission decided that, subject to the approval of the General Assembly, two new topics should be included in its agenda, namely "The law and practice relating to reservations to treaties" and "State succession and its impact on the nationality of natural and legal persons".

Contribution of the Commission to the Decade of International Law

160. As indicated above, the Commission intends to complete by 1994 the draft of a statute for an international criminal tribunal and the second reading of the draft articles on the law of the non-navigational uses of international

watercourses. The Commission also intends to complete by 1996 the second reading of the draft articles on the Code of Crimes against the Peace and Security of Mankind and the first reading of the draft articles on State Responsibility. It will furthermore endeavour to make substantial progress during the three years to come on the topic "International liability for injurious consequences arising out of acts not prohibited by international law" and intends, subject to the General Assembly's approval, to undertake work on one or more new topics (see para. 159 above).

161. The Commission accepted in principle a suggestion to publish on the occasion of the Decade of International Law a collection of studies to be prepared by some of its members. Proposals concerning the plan of the publication and the practical ways and means of carrying out the project will be before the Commission at its next session.

J. The work of the Sixth Committee

162. With respect to the progressive development of international law and its codification, the Sixth Committee, at the forty-seventh session of the General Assembly, in addition to monitoring the current work of the International Law Commission (see paras. 155-159 above), and the Special Committee on the Charter of the United Nations on and the Strengthening of the Role of the Organization (see para. 165 below), considered the draft articles on the jurisdictional immunities of States and their property, elaborated by the International Law Commission. The General Assembly decided to re-establish at its forty-eighth session a working group of the Sixth Committee to deal with issues of substance arising out of the draft articles and with the question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property (decision 47/414 of 25 November 1992).

163. As for the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto, the General Assembly, on the recommendation of the Sixth Committee, decided to consider the matter again at its fiftieth session (decision 47/415 of 25 November 1992).

164. As to the question of the protection of the environment in times of armed conflict, it is to be considered at the forty-eighth session of the General Assembly under the item entitled "United Nations Decade of International Law", in the light of the report of the Secretary-General on the activities of ICRC in this area, prepared pursuant to resolution 47/37 of 25 November 1992 (A/48/269).

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

165. At its 1993 session, the Special Committee continued its work on the basis of its mandate contained in paragraph 3 of General Assembly resolution 47/38 of 25 November 1992. Accordingly, the Special Committee, as described in its report to the present session of the General Assembly 9/ discussed the question of the maintenance of international peace and security under which it considered, inter alia, a draft document on the improvement of cooperation

between the United Nations and regional organizations, and working papers on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. Under its mandate concerning the question of peaceful settlement of disputes between States, the Special Committee discussed a draft of United Nations rules for the conciliation of disputes between States.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 25 (A/48/25), annex.

2/ UNEP/GC.17/10 and Corr.1 and 2.

3/ Official Records of the General Assembly, Forty-sixth session, Supplement No. 25 (A/46/25), annex.

4/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8), vol. I: Resolutions Adopted by the Conference, resolution I, annex II.

5/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 25 (A/37/25), annex.

6/ For the report of the Commission on its forty-eighth session, see Official Records of the Economic and Social Council, Supplement No. 23 (E/1993/23-E/CN.4/1993/122). For the report of the Subcommission on the work of its forty-fourth session, see E/CN.4/1993/2.

7/ For the report of the Commission on the work of its thirty-seventh session, see ibid., Supplement No. 27 (E/1993/27-E/CN.6/1993/18).

8/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 10 (A/48/10).

9/ Ibid., Forty-seventh Session, Supplement No. 33 (A/47/33).